

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

LEATHA C. IRVIN,

Plaintiff,

v.

**Civil Action No. 2:13-CV-52
(Judge Bailey)**

**CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Robert W. Trumble [Doc. 22] dated July 16, 2014, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See **Webb v. Califano**, 468 F. Supp. 825 (E.D. Cal. 1979). Because the plaintiff is represented by counsel, service was accepted on the date the R&R was filed, July 16, 2014. To date, no objections have been filed; accordingly, this Court will review the R&R for clear error.

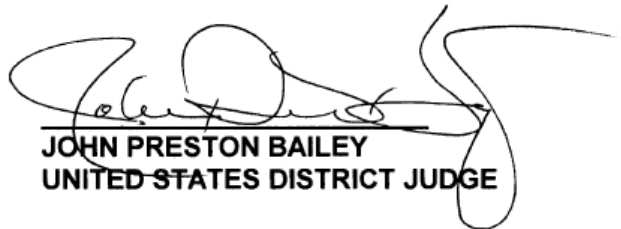
Upon review of the above, it is the opinion of this Court that the Report and Recommendation [Doc. 22] should be, and is, hereby **ORDERED ADOPTED** for the

reasons more fully stated therein. Accordingly, the Plaintiff's Motion for Summary Judgment **[Doc. 16]** is **GRANTED** and the Defendant's Motion for Summary Judgment **[Doc. 18]** is **DENIED**. Further, this matter is hereby **REMANDED** to the Commissioner for further fact finding with regard to the new and material evidence outlined in the Report and Recommendation.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: August 5, 2014.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE